

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's Minutes

Before the Honorable Lorenzo F. Garcia

CASE NO. CIV 09-1025 JCH/LFG

DATE: June 17, 2010

TITLE: *Eleanor Schumer v. Claude K. Lee, et al.*

COURTROOM CLERK: M. Woodward

COURT IN SESSION: 10:05 a.m.

COURT ADJOURNS: 10:15 a.m. **TOTAL TIME:** 10 min.

TYPE OF PROCEEDING: Telephonic Status Conference

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Luis M. Ortiz

Rodney L. Scalage

Richard Cracker

PROCEEDINGS:

Court in Session: 10:05 a.m.

Court: Explains purpose of status conference and that this case is about 60 days from the close of discovery. Inquires into status of each party's discovery efforts.

Plaintiff: Served no written discovery because the parties have been focusing on attempting to settle this case which Plaintiff believes is likely. Plaintiff has not noticed any depositions.

Defendant: Also has not conducted any discovery. Provided Plaintiff with a revised draft of the settlement agreement today. Is optimistic but there is no guarantee of settlement at this point. Should know within the next few days.

Court: Given the status of this case, will not proceed to inquire about discovery efforts. Encourages counsel to make their best effort to settle the case and then to promptly notify the court if it settles.

Plaintiff: Requests a 2 month extension of case management deadlines that he hopes will never be necessary because of the potential settlement.

Court: Declines to take any action at this time because it would be premature in light of settlement negotiations. The current case management deadlines act as an

incentive to move the settlement forward. If settlement fails, the parties may file a motion to extend deadlines. Advises parties that Judge Herrera has set a pretrial conference in February 2011. She, like most district judges, requires that any dispositive motion be fully briefed no later than 60 days before the pretrial conference. While this Court may have some flexibility in extending discovery deadlines, it will have much less flexibility to extend dispositive motion deadlines. The case management deadlines remain in place.

Court: Adjourns, 10:15 a.m.